

Remarks

Claims 18, 19, 24-29, 60-69 and 71-99 were previously pending in the application. Applicants submit that no new matter has been added by way of this Response. Applicants explicitly reserve the right to add/pursue the claims as originally filed and/or the previously pending claims at a later date and/or in a continuation/divisional application. Applicants respectfully request reconsideration of the instant application in view of the foregoing amendments and the following remarks.

The Examiner's Election Requirement

In the Restriction/Election Requirement dated March 18, 2008, the Examiner states:

- Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 18-19, 27-29, 60-69, 75, 80 and 98 drawn to a method for providing an insurance policy, classified in class 705, subclass 4.
 - II. Claims 24-26, 71-74, 81-97 and 99 drawn to a method for providing an incentive, classified in class 705 subclass 14. (See, March 18, 2008 Office Action, p. 2)

Applicants' Election

Applicants respectfully traverse the Examiner's Restriction Requirement and submit that there is no undue burden for the Examiner to conduct a substantive search of the claims in Group I (claims 18-19, 27-29, 60-69, 75, 80 and 98) and Group II (claims 24-26, 71-74, 81-97 and 99). The Examiner has already performed multiple searches in conjunction with the pending claims, resulting in four Office Actions, the earliest of which dates back to March 14, 2003. At no time prior to the March 14, 2003 Office Action has the Examiner indicated that examination of these claims presented a serious burden for search. MPEP § 803 prescribes that, "If the search and examination of all the claims in an application can be made without serious burden, the

examiner must examine them on the merits, even though they include claims to independent or distinct inventions." (emphasis added). Applicants respectfully submit that the repeated performance of substantive examination of the pending claims collectively indicates that "search and examination of all the claims in an application can be made without serious burden," and, therefore, that issuance of a Restriction Requirement at this stage is improper. Accordingly, Applicants respectfully request reconsideration and withdrawal of the Examiner's Restriction Requirement.

However, should the Examiner maintain his position, Applicants provisionally elect the claims in Group I (claims 18-19, 27-29, 60-69, 75, 80 and 98) for substantive examination and expressly reserve the right to pursue the non-elected claims or subject matter in one or more divisional applications at a later time.

In the event that a telephone conference would facilitate examination of the application in any way, the Examiner is invited to contact the undersigned at the number provided.

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of the Response to Deposit Account No. 03-1240, Order No. 17246-004. In the event that an additional extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make the Response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 03-1240, Order No. 17246-004.

Respectfully submitted,
Chadbourne & Parke LLP

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